THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO.968 of 2006

-

17th January 2006

Between:

Sk. Khalid, S/o. Late Sk. Abdul Azeez,
21/246, Jandaveedhi, Nellore.

...PETITIONER

AND

1 The Secretary, Municipal Administration, Govt of A.P., Hyderabad.
2 The Commissioner, Municipal Corporation, Nellore.

...RESPONDENTS

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO.968 of 2006

ORDER:

Heard both the sides.

The petitioner filed this Writ Petition seeking a Writ of Mandamus declaring the action of the second respondent in threatening him to demolish the construction of the house in Door No.21/246 in Jandaveedhi, Nellore which is in conformity with the sanctioned plan No.BA.662/2005 dated 30.06.2005 as illegal and arbitrary and a consequential direction to the second respondent not to demolish the existing structure of part of the structure in the above mentioned door number.

The facts of the case are that the petitioner's father purchased the house situated in the above mentioned door number in the year 1940. The house comprised of a tiled house admeasuring 4 and ½ ankanams and vacant site of 15 ankanams having public road on the Western side. It is stated that after his father's death, the said property was divided among the family members in the year 1990 and in the portion of the house fallen to the petitioner's share, he has dismantled the same, obtained a sanction plan and permission from the Commissioner, Municipal Corporation, Nellore vide B.A.No.662/05 dated 30.06.2005 and constructed a house therein. It is stated that even though there is no deviation or encroachment and without giving

notice, the second respondent is threatening the petitioner to demolish the house on the complaint made by his neighbour.

Having regard to the facts and circumstances of the case, I am of the opinion that the second respondent cannot demolish the existing structure of part of the structure in the said premises without giving any notice or without following due process of law.

The Writ Petition is accordingly disposed of directing the respondents not to demolish any existing structure or part of the structure constructed by the petitioner without issuing any notice or without following due process of law. No costs.

_____

(V.ESWARAIAH, J)

17th January 2006

Note: CC by tomorrow

B/O

RRB